

STATEMENT OF AMBASSADOR LUIS GALLEGOS ON "INTERNATIONAL DISABILITY RIGHTS: THE PROPOSED U.N. CONVENTION" BEFORE THE CONGRESSIONAL HUMAN RIGHTS CAUCUS, MARCH 30, 2004

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. LANTOS. Mr. Speaker, on March 30th, the Congressional Human Rights Caucus held a groundbreaking Members' Briefing entitled, "International Disability Rights: The Proposed U.N. Convention." This discussion of the global situation of people with disabilities was intended to help establish disability rights issues as an integral part of the general human rights discourse. The briefing brought together the human rights community and the disability rights community, and it raised awareness in Congress of the need to protect disability rights under an international law to the same extent as other human rights through a binding U.N. convention on the rights of people with disabilities.

Our expert witnesses included Deputy Assistant Secretary of State Mark P. Lagon; the Permanent Representative of the Republic of Ecuador to the United Nations, Ambassador Luis Gallegos; the United Nations Director of the Division for Social Policy and Development in the Department of Economic and Social Affairs, Johan Schölvinc; the distinguished former Attorney General of the United States, former Under-Secretary General of the United Nations and former Governor of Pennsylvania, the Honorable Dick Thornburgh; the President of the National Organization on Disability (NOD), Alan A. Reich; Kathy Martinez, a member of the National Council on Disabilities (NCD); and a representative of the United States International Council on Disabilities (USCID) and Executive Director of Mental Disability Rights International, Eric Rosenthal.

As I had announced earlier, I intend to place the important statements of our witnesses in the CONGRESSIONAL RECORD, so that all of my colleagues may profit from their expertise, and I ask that the statement of Ambassador Gallegos be placed at this point in the CONGRESSIONAL RECORD.

Mr. Chairman, Members of U.S. Congressional Human Rights Caucus, Representatives of the U.S. Administration, Representatives of Disability and Human Rights Organizations, Ladies and Gentlemen: I am deeply honored by the invitation extended to me to address you at this distinguished panel of the United States Congressional Human Rights Caucus.

I regard the privilege of addressing you as imposing upon me three obligations: first that of discussing the background of the Ad Hoc committee on an international convention on the rights of persons with disabilities; second, that of informing you of its ongoing work and third my analysis concerning development of an international convention and the newly emerging disability rights movement.

I. BACKGROUND

The commitment of the United Nations to promotion of the rights of persons with disabilities is deeply rooted in the goal of the Organization: realization of the Charter's vision of a just and peaceful world and the bet-

ter standards of life in larger freedoms. The work of the Organization in disability in its early period focused on improvement of the well-being of persons with disabilities to meet their needs in the social context. In the 1960s, initiatives within the disability community and adoption by the United Nations of the international human rights conventions both in civil and political and economic, social and cultural realms, resulted in a fundamental reevaluation of the rights of persons with disabilities within the context of development. The growing concern for the need of adopting a human rights perspective since 1970s were specifically addressed by the United Nations in adoption of the declarations concerning the rights of persons with disabilities.

The human rights of persons with disabilities became part of the international policy agenda in the 1980s since adoption of the World Programme of Action concerning Disabled Persons by the General Assembly at its thirty-seventh session in 1982. The World Programme transformed the disability issue from "social welfare" issue into that of integrating the human rights of persons with disabilities in all facets of development.

The Standard Rules on the Equalization of Opportunities for Persons with Disabilities was adopted by the United Nations in 1993 to focus on the human rights perspective of the World Programme of Action. Though the Standard Rules was not a legal instrument, it has been widely used as a set of strategic guidelines to promote the rights of persons with disabilities. The international frameworks to promote the rights of persons with disabilities were further advanced by a series of 1990s United Nations development conferences and their respective five-year reviews, the Millennium Development Goals and other relevant international commitments.

Proposals to elaborate a convention on the rights of persons with disabilities were presented during the United Nations Decade of Disabled Persons (1983-1992), many of which have reflected reformulated concepts of disability that have moved away from the traditional model of care, social welfare and medical support to a human rights framework. These proposals were required of further study by the international community.

The initiative on a comprehensive and integral convention to promote and protect the rights of disabled persons is the result of a proposal made by President Vicente Fox of Mexico during the fifty-sixth session of the General Assembly of the United Nations, which called upon the international community to combat poverty and social exclusion with Mexico taking the lead in promoting an agenda for development. The importance was highlighted to involve all citizens as stakeholders and that a just world must be inclusive of all groups. For that reason, Mexico had proposed the establishment of a "Special Committee" to study the elaboration of an international convention on promoting the rights and dignity of persons with disabilities, which was endorsed by General Assembly resolution 56/168.

II. PROGRESS IN ELABORATING A "COMPREHENSIVE AND INTEGRAL" INTERNATIONAL CONVENTION

The outcome of the first session of the Ad Hoc Committee (29 July-9 August 2002) was a resolution, adopted by the fifty-seventh session of the General Assembly as resolution 57/229 of 18 December 2002, on further action related to elaboration of a comprehensive and integral international convention. The Committee, in close collaboration with disability organizations and civil society organizations, reaffirmed the commitment to the goals set out before it by General Assembly resolution 56/168.

The outcome of the second session of the Ad Hoc Committee was the decision to elaborate an international convention and to establish the Working Group to draft a text that would form the basis for negotiations on the convention, which will be submitted to the Ad Hoc Committee at its third session, from 24 May to 4 June at the United Nations Headquarters in New York.

III. THE WORKING GROUP OF THE AD HOC COMMITTEE JAN. 5-16, 2004

The Working Group was chaired by the Permanent Representative of New Zealand, Don MacKay. It took into account all contributions submitted to the Ad Hoc Committee by States, observers, expert meetings, United Nations bodies, regional commissions and intergovernmental organizations, as well as by non-governmental organizations (NGOs), independent experts and national disability and human rights institutions.

Members of the Working Group were of a diverse body of policy makers, legal practitioners, disability advocates, and experts, consisted of 27 representatives of governments, one national human rights institution and 12 NGO representatives, mainly from organizations of persons with disabilities, resulting in a broader and enhanced understanding of disability in the context of promotion and protection of the rights of persons with disabilities in today's society and in development.

Disability advocates, working side by side with experts in international law and other relevant fields, helped to view the existing human rights norms and standards from a disability perspective, which, in turn, proposed viable options to strengthen the existing system for promoting and protecting the rights of persons with disabilities as well as to incorporate the disability perspective into the human rights norms.

(1) Summary of the meeting

The Group identified possible approaches and narrowed down the options, which resulted in the draft text with options for consideration of the Ad Hoc Committee. The draft text embodies successful collaboration among all the members of the Working Group. It covers, in its 25 articles and the Preamble, encompassing human rights principles and norms, such as general principles and obligations, equality and non-discrimination, the right to work, and equal recognition before the law with a disability focus. It also addresses disability-specific issues and concerns, such as accessibility, independent living, protection of persons with disabilities from violence and abuse, accessibility, education, personal mobility, social security and adequate standards of living, as well as issues of inclusion, such as inclusion of disabled children, disabled women and persons with multiple disabilities, promotion of positive attitudes towards persons with disabilities, inclusion in the community, participation in political and public life, and participation in cultural life, recreation, leisure and sport.

(2) Analysis

The draft text by the Working Group, reflecting their diversity in background and approach, resulted in a broader and enhanced understanding of disability in the context of promotion and protection of the rights of persons with disabilities in today's society and in development. The work of the Group facilitated interpreting the existing human rights norms and standards from the disability perspective as well as incorporating the disability perspective into the human rights norms.

Members of the European Union advocated that a proposed new convention should focus on the model of a non-discrimination human

rights treaty, such as the Convention on Elimination of all Forms of discrimination against Women and the Convention on Elimination of Racial Discrimination, which would minimize proliferation of detailed standards and mechanisms. Other Members, such as Mexico, Venezuela, Sierra Leone, South Africa, Thailand, and Organizations of Persons with Disabilities, promoting, in most cases, the model of a comprehensive convention, such as the Convention on the Rights of the Child, emphasizing on the specificities of the situation of persons with disabilities as their focus in elaborating the Convention.

The draft text by the Working Group, as it stands now, is the result of a hybrid between the two approaches and there are number of complex issues and tasks left to the Ad Hoc Committee for its consideration.

(3) The issue areas requiring close attention

The following issues would require close examinations and consultations by the Ad Hoc Committee as the views differed significantly among the Members: definition(s) of disability and persons with disabilities; disability statistics and data collection; international cooperation; special and inclusive education, and the monitoring mechanism(s). The Group did not cover the international monitoring mechanism at this time and focused instead on national frameworks for implementation and monitoring of the convention.

(4) The third session of the Ad Hoc Committee

The third session of the Ad Hoc Committee will take place from May 24–June 4 at the United Nations Headquarters in New York. The Ad Hoc Committee will have before it the draft text as a basis for negotiation of the text of an international convention on the rights of persons with disabilities.

IV. THE SIGNIFICANT ROLE PLAYED BY U.S. LEADERS AND ADVOCATES IN DISABILITY RIGHTS IN THE WORK OF THE INTERNATIONAL COMMUNITY

The commitment of the United States to further goals of human equality and dignity for persons with disabilities has been demonstrated in a number of legislative and policy initiatives, such as American with Disabilities Act (1992) and "New Freedom Initiative" (2001), which resulted in a comprehensive set of regulations and enforcement mechanisms and the new disability-sensitized community—leadership of government, organizations of disabilities, countless advocates, scholars, practitioners in disability rights, as well as civic groups. I am delighted to see many of those leaders present at this meeting today. Those leaders have made extraordinary contributions not only to their own society, but also to the work of the international community.

Such outstanding contributions are exemplified in a wide range of activities from legislative and policy initiatives, scholarship, research to advocacy at national, regional and international levels: for example, one of the finest institutions of higher-learning in the United States, University of California at Berkeley co-organized with the United Nations "The United Nations Consultative Expert Meeting on international norms and standards relating to disability (December 1998). The work is considered as a first step to consider promotion of the human rights of persons through the use of international normative framework, including implications of an international convention on the rights of persons with disabilities. A number of US participants and leading scholars participated in both Berkeley and its follow-up meeting (the Interregional Seminar on international norms and standards relating to disability organized by the Equal Opportuni-

ties Commission, Hong Kong SAR, Republic of China).

During the past two sessions of the Ad Hoc Committee and the most recent session of its Working Group in January 2004, US participants as government and NGO representatives, panelists, researchers or individual advocates played a major role in promoting the rights of persons with disabilities. The international community, along with the disability communities worldwide, would have much to gain from the continuing and active participation of the United States in the work of the Ad Hoc Committee and the newly emerging international disability rights movement.

CONCLUSION

As a result of consultations at national, regional and international levels concerning an international convention since the Ad Hoc Committee was established, new networks and communities of disability-sensitized policy makers, programme specialists, academics and advocates have emerged. Together, they are contributing to a process of promoting and developing universal norms and thereby contributing to implementation of the universal human rights for all.

The on-going international discourse on disability rights in the process of elaboration of an international convention demonstrates our common foundation—a fundamental aspiration of the humankind to establish an integrated community of its members based upon the principles of the universality of human rights—the fundamental freedoms, the dignity and worth of every human person.

As we strive to promote and protect the rights of persons with disabilities through the work on an international convention, we are embarking upon a significant endeavour in translating the universality of the human rights into reality and taking a concrete step toward a just and equitable society.

MY COMMITMENT TO AMERICA'S FUTURE

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. FERGUSON. Mr. Speaker, I would like to submit a paper by Mr. James Rieder, Jr., of Colonia, New Jersey, into the CONGRESSIONAL RECORD. I would like to offer my congratulations to Mr. Rieder on his accomplishment of winning the 2004 Voice of Democracy broadcast scriptwriting contest. Following is the paper that Mr. James Rieder, Jr., wrote:

"The meaning of America is not to be found in a life without toil. Freedom is not only bought with a great price; it is maintained by unremitting effort." (Thirtieth President of the United States of America, Calvin Coolidge)

Consider these words by the late former President. "The meaning of America is not to be found in a life without toil." In order to be a true American, one must not take his/her responsibilities lightly, and must instead strive to achieve not only what's best for himself/herself, but also what is good for all, no matter the task at hand. "Freedom is not only bought with a great price . . ." Our great nation was constructed from the ultimate sacrifices of others, their lives, but not just our forefathers, but our grandfathers and fathers, as well. ". . . it is maintained by unremitting effort." The United States does not only thrive on those who lost their lives on the battlefield, nor even on those

who govern our democratic nation, but on the American people. And because of this supreme responsibility, it is our duty as a free people to work hard in preserving our rights for the future generations. This is my commitment to America's future.

My commitment to America's future is to uphold the freedoms we were granted by the blood and sweat of our elders. For some, this may be as simple as voting on Election Day to empower a governing body capable of protecting our rights. For others, their commitment may lie in the front line, physically stopping those who endanger the American way of life. Does this mean that the soldier's blood runs redder than that of the simple voter? Of course not; both hearts beat strongly with American pride and both souls soar along with the majestic eagle. It is not what you are committed to, but how committed you are that counts. As for myself, I believe that I will perform whatever duties my nation calls on me to perform. I will be just as pleased if I can donate to a helpful cause, as I would be if I were to be called to a foreign shore to fight for our rights. Whatever my responsibility, I will certainly be dedicated.

My commitment to America's future is to educate my children and raise them in an environment where they, too, can respect and cherish their American citizenship. As Theodore Roosevelt stated, "To educate a man in mind and not in morals is to educate a menace to society." We must educate our future generation so that they may continue the legacy of our grand country. If we do not teach them properly, they may lose sight of the importance of their freedom, and the rights we presently have may exist as just unachievable aspirations. The path these children traverse leads to America's future. Thus, we must keep them on this path and ensure that they view the end of the journey with the utmost respect and dedication.

My most significant commitment to America's future would be to always keep my American pride strong within my heart, for Coolidge never specified whether the "unremitting effort" he mentioned should be physical or spiritual. I believe that you must first achieve a spiritual dedication to the United States before you can move on, and the more spiritually dedicated you are, the more American you become. And so, as long as the stars and stripes continue to wave grandly over these fifty unified states, so, too, will my heart beat with pride for my nation. I conclude yet again with this small, yet powerful, phrase from Mr. Coolidge and I implore you to always remember it and keep it in your heart, as I keep it in mine: "Freedom is not only bought with a great price; it is maintained by unremitting effort."

A TRIBUTE TO JANE BAKER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 5, 2004

Mr. LANTOS. Mr. Speaker, it is with great honor and pride that I pay tribute to an extraordinary woman, Jane Baker. For the past twenty years Jane has been an inspiration to those who wish to make positive change in their communities, as she has dedicated herself to serving both San Mateo city and County, located in my congressional district, through the various public service positions she held.

Jane Baker was born in Hamilton, Ohio, and after graduating from Purdue University, she